

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-090261

03/09/2007

HONORABLE CONNIE CONTES

CLERK OF THE COURT

I. Ostrander

Deputy

IN RE THE MARRIAGE OF  
MARY LYNN SCALISI

MARY LYNN SCALISI  
3535 E KIMBALL CT  
GILBERT AZ 85297

AND

VINCENT SCALISI

VINCENT SCALISI  
875 W PECOS RD #2042  
CHANDLER AZ 85228

SUPPORT SERVICES-CCC

MINUTE ENTRY

Courtroom 301 - SE

11:13 a.m. This is the time set for Resolution Management Conference. Petitioner/Mother is present on her own behalf. Respondent/Father is neither present nor represented by counsel.

A digital audio recording of this proceeding is being made by the "For The Record" recording system in lieu of a court reporter.

**LET THE RECORD REFLECT** that this hearing was set based upon Petitioner/Mother's *Motion for Temporary Orders for Child Custody, for Child Support, and for Spousal Maintenance*, filed February 8, 2007.

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Discussion is held regarding Respondent/Father's nonappearance.

**LET THE RECORD REFLECT** that acceptance of service of process of Petitioner/Mother's *Motion for Temporary Orders for Child Custody, for Child Support, and for Spousal Maintenance* was effected on February 27, 2007.

**LET THE RECORD FURTHER REFLECT** that this matter was set for 10:00 a.m., and it is now 11:15 a.m. and Respondent/Father has failed to appear for today's proceeding and has not contacted the Court's staff.

**THE COURT FINDS** that this is a properly noticed proceeding and Respondent/Father has failed to appear without good cause shown. The matter shall proceed in Respondent/Father's absence.

Mary Lynn Scalisi is sworn.

Petitioner/Mother addresses the Court.

**LET THE RECORD REFLECT** that Petitioner/Mother obtained an *Order of Protection* against Respondent/Father in Gilbert Municipal Court.

**IT IS ORDERED** that Petitioner/Mother shall request that the *Order of Protection* issued by the Gilbert Municipal Court be transferred to this Superior Court case.

Discussion is held.

Based upon the testimony presented by Petitioner/Mother, the Court enters the following temporary orders without prejudice to either party's position at the time of trial.

**IT IS ORDERED** awarding Petitioner/Mother sole legal custody of the minor child, Gianna Scalisi, born October 12, 2001.

**IT IS FURTHER ORDERED** that Respondent/Father shall be entitled to exercise parenting time with the minor child at Petitioner/Mother's discretion and in a manner that does not violate any existing *Order of Protection* or probation orders.

**IT IS FURTHER ORDERED** that Respondent/Father shall be entitled to regular telephonic access with the minor child. Petitioner/Mother shall assist the minor child in telephoning Respondent/Father.

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**IT IS FURTHER ORDERED** granting Petitioner/Mother exclusive use of the former marital residence pending further agreement of the parties or further order of the Court.

**IT IS FURTHER ORDERED** granting Petitioner/Mother exclusive use of the vehicle currently in her possession, the 2003 Jaguar X-Type.

**IT IS FURTHER ORDERED** granting Respondent/Father exclusive use of the Lexus vehicle currently in his possession.

**IT IS FURTHER ORDERED** that Respondent/Father shall be responsible for timely paying the first mortgage on the former marital residence and Petitioner/Mother shall be responsible for timely paying the home equity loan on the former marital residence.

**IT IS FURTHER ORDERED** that the parties shall be responsible equally (50/50) for payment of the remaining community debt existing as of the date of service of the *Petition for Dissolution of Marriage* on January 19, 2007. Specifically, the parties each shall be responsible for payment of 50 percent of the remaining balance as of the date of service of the *Petition for Dissolution of Marriage* on January 19, 2007, on the Washington Mutual credit card in Petitioner/Mother's name. Effective February 1, 2007, each party shall be responsible for and timely pay 50 percent of the minimum monthly payment on the Washington Mutual credit card.

**IT IS FURTHER ORDERED** that each party shall be responsible for and pay the debt incurred by either party in his or her own name since service of the *Petition for Dissolution of Marriage* on January 19, 2007.

**IT IS FURTHER ORDERED** that Respondent/Father shall pay to Petitioner/Mother as and for spousal maintenance the sum of \$650.00 per month, payable through the Support Payment Clearinghouse by Wage Assignment, effective February 1, 2007.

The Court prepares a *Child Support Worksheet*, which incorporates the Court's findings and is filed with the Clerk of the Court herein.

**IT IS ORDERED** that Respondent/Father shall pay to Petitioner/Mother as and for child support the sum of \$1,042.14 per month, payable through the Support Payment Clearinghouse by Wage Assignment, effective February 1, 2007.

**IT IS FURTHER ORDERED** approving and settling formal written *Order of Assignment* signed by the Court on March 9, 2007, and filed (entered) by the clerk on March 9, 2007.

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**IT IS FURTHER ORDERED** that at any time an *Order of Assignment* is not paying the child support obligation in full, Respondent/Father shall make full and timely payments directly to the Support Payment Clearinghouse in accordance with the instructions for making support payments through the Clearinghouse attached hereto.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's office, in writing, within ten (10) days of the change [A.R.S. § 25-322(C)]. Failure to notify the Clerk's office of any change may be considered contempt of Court.

**IT IS FURTHER ORDERED** that every 24 months hereafter the parties shall exchange financial information, including tax returns, financial affidavits, and earnings statements.

**IT IS FURTHER ORDERED** that Respondent/Father shall complete and submit to the Court the *Current Employer Information* form attached hereto.

**IT IS FURTHER ORDERED** that Respondent/Father shall provide and maintain medical insurance for the benefit of the minor child, and he shall provide an insurance card and claim filing information/forms to Petitioner/Mother. All healthcare expenses incurred for the health and protection of the minor child not covered by insurance shall be paid by the parties in proportion to their incomes as reflected on the most recent *Child Support Worksheet*, currently 20 percent by Petitioner/Mother and 80 percent by Respondent/Father.

The parties shall account to one another for the children's uncovered healthcare expenses in accordance with Section 9.A of the Arizona Child Support Guidelines, which provides that a party seeking reimbursement for uninsured medical, dental, or vision costs shall make request for reimbursement to the other party within 180 days after the date the services occur and shall provide receipts or other evidence of payments actually made upon request of the other party. The party responsible for reimbursement must pay his or her share, or make acceptable payment arrangements, within 45 days after receipt of the request.

**IT IS FURTHER ORDERED** that Petitioner/Mother shall be entitled to utilize the federal tax exemption applicable to the parties' minor child for all federal and state income tax purposes in one of five tax years, commencing in tax year 2011, unless the parties mutually agree otherwise.

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**IT IS FURTHER ORDERED** that Respondent/Father shall be entitled to utilize the federal tax exemption applicable to the parties' minor child for all federal and state income tax purposes in four of five tax years, commencing in tax years 2007, 2008, 2009, and 2010, unless the parties mutually agree otherwise.

The right to claim the dependency exemption is conditioned upon payment by December 31 of the total Court-ordered child support obligation for the current calendar year and any Court-ordered arrearage payment due during the calendar year for which the exemption is to be claimed. If these conditions have been met, then Petitioner/Mother shall execute the necessary Internal Revenue Service form to transfer the exemption. If Respondent/Father has paid the current support but has not paid the Court-ordered arrearage payments, then Respondent/Father shall not be entitled to claim the exemption.

**IT IS FURTHER ORDERED** setting this matter for **Trial to the Court** on **May 15, 2007, at 1:30 p.m.** before:

**HONORABLE CONNIE CONTES**  
**Southeast Judicial District**  
**Courtroom 301**  
**222 East Javelina Avenue**  
**Mesa, Arizona 85210**

**(TIME ALLOTTED: 1 hour)**

**IT IS FURTHER ORDERED** that the parties and counsel, if any, shall meet in person by no later than **May 11, 2007**, unless an Order of Protection is in effect. At this meeting, the parties and counsel, if any, shall use their best efforts to resolve the issues raised in the petition or motion now scheduled for trial.

**IT IS FURTHER ORDERED** that each party has the continuing duty, under Rule 49 and 50 of the Arizona Rules of Family Law Procedure, to fully and promptly disclose to the other party any and all information to be utilized or relied upon by either party in this matter by no later than 30 days after learning the information. The Court will not countenance objections to information and documentation that should be disclosed by each party.

**IT IS FURTHER ORDERED** that both sides **shall** hand-deliver to the clerk of this division all exhibits to be used at the trial **by no later than May 11, 2007**. Exhibits shall be accompanied with a numbered list of each exhibit and shall be separated with a blank sheet of

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paper. All trial exhibits shall have been exchanged prior to that time. No duplicate exhibits shall be presented for marking. If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at the trial.

**IT IS FURTHER ORDERED** that each party shall file an affidavit of current financial circumstances, with a copy provided to this Court and to the other party (the copy provided to the Court and to the other party shall include current pay stubs, tax returns, W-2s, and 1099s), and a Child Support Worksheet pursuant to the Child Support Guidelines at the time of presenting exhibits to the clerk.

**IT IS FURTHER ORDERED** that the parties shall file and provide this division with a copy of a **Joint** Pre-Trial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure. **IF A PARTY OR PARTIES FAIL TO FILE THE PRE-TRIAL STATEMENT BY MAY 11, 2007, THE COURT MAY VACATE THE TRIAL AND/OR IMPOSE SANCTIONS FOR FAILURE TO OBEY THIS COURT'S ORDER.** In order that the Pre-Trial Statement may be filed by May 11, 2007, Petitioner/Mother shall initiate the Pre-Trial Statement by providing her portion to Respondent/Father sufficiently in advance so that Respondent/Father may then timely provide his portion of the Pre-Trial Statement to Petitioner/Mother. Petitioner/Mother shall prepare the Joint Pre-Trial Statement and shall file and provide this division with a copy by no later than May 11, 2007. The Joint Pre-Trial Statement shall state:

1. The details of all agreements reached by the parties on substantive and procedural issues.
2. A statement of uncontested facts.
3. A **detailed** statement of each party's position on each contested issue.
4. Specific proposals by each party on how the contested issues can be resolved or narrowed.
5. A list of witnesses each party intends to call and the substance of each witness's testimony.
6. A list of exhibits each party intends to offer and the specific objections of each party to the other's exhibits.

**Failure to obey this order in all respects may subject the offending party or counsel to all sanctions provided and allowed by court rule, statute, or other law.**

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**Each party is hereby advised that in the event he or she fails to appear, the Court will proceed in his or her absence and will make a decision based on the testimony and information presented. Should both parties fail to appear, the Court will dismiss this matter.**

**IT IS FURTHER ORDERED** that counsel and/or the parties shall continue to file all pleadings and documents related to this family court case at the Southeast Adult Facility located at 222 East Javelina Avenue, Mesa, Arizona 85210.

**PLEASE NOTE:** This Court utilizes a digital audio recording system to preserve the official record of proceedings. If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least 72 hours before the commencement of the proceeding. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form, which may be obtained from the Self-Service Center or from Court staff, and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of court personnel do not permit them to perform this function.

The Court signs this minute entry as a formal order of the Court on this the 9<sup>th</sup> day of March 2007.

11:59 a.m. Matter concludes.

/ S / HONORABLE CONNIE CONTES

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JUDICIAL OFFICER OF THE SUPERIOR COURT

**FILED:** Child Support Worksheet  
Order of Assignment

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**All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.**

Attachments:

VINCENT SCALISI: Current Employer Information, SE Non IV-D Payment Instructions